

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION
Honorable Edward J. Davila
Courtroom 4 - 5th Floor**

**TITLE: *UNITED STATES v. RAMESH SUNNY BALWANI*
CASE NUMBER: 5:18-CR-00258-2 EJD**

Minute Order and Trial Log

Date: May 20, 2022

Time in Court: (9:38-11:48 AM; 12:22-2:08 PM; 2:26-4:27 PM)

TOTAL Time: 5 hrs, 37 min

Courtroom Deputy Clerk: Cheré Robinson

Court Reporter: Irene Rodriguez

APPEARANCES:

Plaintiff Attorney(s) present: Jeffrey Schenk, Robert Leach, John Bostic, Kelly Volkar

Also present: Special Agent - Chris McCollow
Paralegals – Maddi Wachs; Sara Slattery

Defendant Attorney(s) present: Jeffrey Coopersmith, Amy Walsh, Stephen Cazares, Aaron Brecher, Shawn Estrada, Sachi Schuricht, Molly McCafferty, James Flynn, Amari Hammonds

Also present: Reese Oñate
Paralegal – Jennifer Cygnor

Also present: Ramesh Sunny Balwani (out-of-custody)

PROCEEDINGS:

Jury Trial (Day 32)

Jury Trial held May 20, 2022. Testimony held and evidence entered.
Further Jury Trial set for May 27, 2022, at 9:00 AM.

See attached Trial Log.

The following exhibits were identified and offered:

Plaintiffs:

Defendants: 7353, 7358, 4052, 7376, 7378, 4063, 7388, 7387, 7390, 7391, 14002, 7400, 7399, 20662, 7403, 4088, 4089, 14054, 14001, 14057, 14029, 14055, 13720A, 4093, 14072, 7411

The following exhibits are admitted into evidence:

Plaintiffs:

Defendants: 7353, 7358, 4052, 7376, 7378, 4063, 7388, 7387, 7390, 7391, 14002, 7400, 7399, 20662, 7403, 4088, 4089, 14054, 14001, 14057, 14029, 14055, 13720A, 4093, 14072, 7411

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

HONORABLE EDWARD J. DAVILA

Case Name: *United States v. Ramesh Sunny Balwani*
Case No: 5:18-CR-00258-2 EJD

TRIAL LOG

TRIAL DATE: May 20, 2022			REPORTER: Irene Rodriguez	CLERK: Cheré Robinson
PLF	DEFT	TIME	DESCRIPTION	
		9:36 am	Jury present	
		9:38 am	Court in session in presence of Jury	
		9:39 am	Court queries Jury re previous admonishment	
		9:40 am	Court announces potential Covid exposure and queries re wellness	
		9:41 am	Court excuses Juror #2 and advances Alt. Juror #3	
		9:44 am	Witness #25 Brian Grossman returns to Courtroom and takes the stand	
		9:45 am	Defense resumes cross-examination of Brian Grossman	
	7353	9:48 am	ADMITTED into Evidence: 2013-11-02 Laffort/James;Grossman Email Chain re Theranos	
	7358	9:52 am	ADMITTED into Evidence: 2013-11-18 Grossman/Khanna Email Chain re Is this something we should work up on the private side	
	4052	10:02 am	ADMITTED into Evidence: 2013/12/09 Grossman/Khanna Email Chain re Theranos	
	7376	10:13 am	ADMITTED into Evidence: 2013-12-20 Khanna Email to Grossman re Theranos - comments on WAG call	
	7378	10:17 am	ADMITTED into Evidence: 2013-12-24 Kahha/Rabodzey/Grossman Email Chain re Theranos	
	4063	10:21 am	ADMITTED into Evidence: Dec 24-25, 2013, Khanna/Grossman/Rabodzey Email Chain re Theranos	
Obj	7388	10:31 am	ADMITTED into Evidence (not for the truth of matter - for showing Witness information previously received): 2014-01-09 Gill Email to Grossman re <i>Walgreen Company: Takeaways from Sharehold Meeting/Analyst Q&A</i>	

TRIAL DATE: May 20, 2022			REPORTER: Irene Rodriguez	CLERK: Cheré Robinson
PLF	DEFT	TIME	DESCRIPTION	
	7387	10:34 am	ADMITTED into Evidence (not for the truth of matter - for showing Witness information previously received): Grossman/Khanna Email re WAG and Theranos	
	7390	10:35 am	ADMITTED into Evidence: Jan 9-10, 2014, Grossman/Rabodzey Email Chain re meeting at Theranos	
	7391	10:38 am	ADMITTED into Evidence: Jan 2014 Rabodzey/Grossman/Khanna Email Chain re Theranos	
	14002	11:05 am	ADMITTED into Evidence: 2014-01-15 Rabodzey Email to Khanna and Grossman re MDX and fda	
	7400	11:10 am	ADMITTED into Evidence: 2014-01-23 Smith Email to Khanna re AR/VK: Dr. Anand Akerkar, PhD [Laboratory Developed Tests]	
	7399	11:15 am	ADMITTED into Evidence: 2014-01-21 Robadzey Email to Grossman and Khanna re Theranos	
	20662	11:19 am	ADMITTED into Evidence: 2014-01-24 Rabodzey email to Khanna and Grossman re Theranos	
Obj	7403	11:24 am	ADMITTED into Evidence: (top of p. 1 only): 2014-01-24 Rabodzey Email to Grossman and Khanna re Theranos	
	4088	11:32 am	ADMITTED into Evidence: 2014-01-28 Grossman/Clammer Email String re Theranos	
	4089	11:34 am	ADMITTED into Evidence: 2014-01-28 Rabodzey Enclosure Email to Graossmann and Khanna re Theranos Technical and Regulatory Assessment	
		12:22 pm	Court in session in presence of Jury and Witness #25 Brian Grossman	
			Defense continues cross-examination of Brian Grossman	
	14054	12:24 pm	ADMITTED into Evidence: Rabodzey Email to Grossman re Theranos diligence calls – Last call with an expert takeaways	
		11:41 am	Jury and Witness #25 Brian Grossman departs Courtroom	
		11:42 am	Court in session with Counsel out of presence of Jury and witnesses	
		11:48 am	Court breaks for 34 minutes	
		12:22 pm	Court in session in presence of Jury and Witness #25 Brian Grossman	

TRIAL DATE: May 20, 2022			REPORTER: Irene Rodriguez	CLERK: Cheré Robinson
PLF	DEFT	TIME	DESCRIPTION	
			Defense continues cross-examination of Brian Grossman	
	14001	12:29 pm	ADMITTED into Evidence: 2014-01-26 Rabodzey Email to Grossman and Khanna re Theranos Test	
	14057	12:33 pm	ADMITTED into Evidence: 2014-01-28 Grossman//Balwani/Rabodzey/Khann/Balasuryan Email String Open Items for PFM Investment	
	14029	12:37 pm	ADMITTED into Evidence: 2014-01-29 Blickman/Grossman/Rabodzey Email String re Theranos Follow-up	
	14055	12:39 pm	ADMITTED into Evidence: 2014-01-29 Grossman/Rabodzey Email String re Theranos Follow-up	
		12:44 pm	Ex. 1422, previously admitted	
	13720A	12:45 pm	ADMITTED into Evidence: Theranos Spreadsheet	
		12:54 pm	Ex. 1477, previously admitted	
	4093	12:58 pm	PFM Spreadsheet	
	14072	1:20 pm	ADMITTED into Evidence: 2014-01-26 James/Grossman Email Chain re theranos internal presentation	
	7411	1:25 pm	ADMITTED into Evidence: 2014-01-30 Rabodzey Email to Summe re Final version of the Theranos presentation attached, and attachment: Theranos_v7.pdf	
		1:33 pm	Defense completes cross-examination of Brian Grossman	
		1:34 pm	Government begins re-direct examination of Brian Grossman	
		1:45 pm	Ex. 4089, previously admitted	
		1:49 pm	Ex. 7391, previously admitted	
		1:58 pm	Government completes re-direct examination of Brian Grossman	
			Witness #25 Brian Grossman excused	
		1:59 pm	Housekeeping matters address in presence of Jury re evidence	

TRIAL DATE: May 20, 2022			REPORTER: Irene Rodriguez	CLERK: Cheré Robinson
PLF	DEFT	TIME	DESCRIPTION	
			Ex. 4859, previously admitted conditionally, now ADMITTED IN TOTAL	
		2:00 pm	Parties hand up Trial Stipulation No. 1	
		2:01 pm	Court reads Trial Stipulation No. 1 into record	
		2:06 pm	Court completes reading of Trial Stipulation No. 1 into record	
		2:07 pm	Jury departs Courtroom	
		2:08 pm	Court breaks for 18 minutes	
		2:26 pm	Court in session without Counsel out of presence of Jury	
			Defense moves to strike portions of testimony of Witness #14 Sarah Bennett as hearsay	
		2:32 pm	Government opposes motion to strike Ms. Bennett's testimony	
		2:37 pm	Defense moves for Judgment of Acquittal under Rule 29	
		2:38 pm	The Court recognizes Defense's timely made motion	
			The Court reserves decision on Defendant's motion for a later time	
		2:41 pm	Court in session in presence of Jury	
			Defense calls Witness #26 Tracy Wooten	
		2:42 pm	Witness #26 Tracy Wooten sworn and takes the stand	
			Defense begins direct examination of Tracy Wooten	
		3:02 pm	Side Bar discussion begins	
		3:25pm	Side Bar discussion ends	
		3:26pm	Court in session in presence of Jury and witness Tracy Wooten	
		3:29 pm	Defense completes direct examination of Tracy Wooten	
			Government begins cross-examination of Tracy Wooten	
		3:33 pm	Ex. 1049, previously admitted	

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		3:39 pm	Ex. 4147, previously admitted	
		3:40 pm	Ex. 5421, previously admitted	
		3:48 pm	Ex. 4533, previously admitted	
		3:49 pm	Ex. 1548, previously admitted	
		3:51 pm	Ex. 4938, previously admitted	
		3:53 pm	Ex. 4182, previously admitted	
		4:00 pm	Ex. 4189, previously admitted	
		4:02 pm	Ex. 1555, previously admitted	
		4:04 pm	Ex. 2228, previously admitted	
		4:05 pm	Ex. 5387H, previously admitted	
		4:08 pm	Government completes cross examination of Tracy Wooten	
			Defense begins re-direct examination of Tracy Wooten	
		4:10 pm	Ex. 13876, previously admitted	
		4:17 pm	Defense completes re-direct examination of Tracy Wooten	
			Government begins re-cross-examination of Tracy Wooten	
		4:19 pm	Government completes re-cross-examination of Tracy Wooten	
			Defense begins further re-direct examination of Tracy Wooten	
		4:21 pm	Defense completes further re-direct examination of Tracy Wooten	
			Witness #26 Tracy Wooten excused and departs Courtroom	
		4:22 pm	Court admonishes Jury	
			Jury departs Courtroom	
		4:23 pm	Court in session with Counsel out of presence of Jury and witnesses	
			Motion Hearing reset for May 23, 2022, at 8:30 am	

TRIAL DATE: May 20, 2022			REPORTER: Irene Rodriguez	CLERK: Cheré Robinson
PLF	DEFT	TIME	DESCRIPTION	
		4:27 pm	Court adjourns	
			Jury trial continued to May 27, 2022, at 9:00 AM	